

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Etienne BONNEVILLE

Serial No: 09/667,434

Art Unit: 2644

Filed: September 22, 2000

Examiner: Michalski; Justin I.

Subject: Transmission of Power and/or Signalling Between an Audio Distribution Unit and a Plurality of Remote Audio Transducers

THE COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450, Alexandria, VA 22313-1450, USA

RECEIVED
CENTRAL FAX CENTER
SEP 29 2004

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.143
AND PROVISIONAL ELECTION

Sir:

In response to the office action mailed September 8, 2004, the applicant provisionally elects, with traverse, the invention of group I for examination at this time, with restriction to claims 1-24, 33-37 and 62-67.

The restriction requirement is traversed on the grounds that it would not impose a "serious burden" upon the examiner for him to examine all of the claims of record at this time. The Manual of Examining Procedure, section 803, states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The features of the claims in groups II and III overlap with features of the claims in Group I to such an extent that, in order to conduct a proper examination of the claims of group I, the examiner is obliged to conduct a search in respect of the features of the claims of Groups I and II.

Moreover, it is submitted that the inventions of Groups I, II and III are related in that all of the claims of record relate to audio distribution units. Thus, the voice distribution features are provided within the context of an audio distribution unit and what the examiner calls "multiple channel audio distribution" is provided within the context of an audio distribution unit. It will be appreciated that such audio distribution units typically distribute audio signals to different rooms in a building, such as a house.

Class 704, subclass 200 is for DATA PROCESSING: SPEECH SIGNAL PROCESSING, LINGUISTICS, LANGUAGE TRANSLATION, AND AUDIO COMPRESSION/DECOMPRESSION. It is questioned whether this subclass is pertinent to any of the three "inventions" identified by the examiner. If, indeed, it is pertinent to any of them, however, it is pertinent to all of them. If the examiner considers it necessary to search in this class for the features of claims 25-32 and 56-62, it follows that he must search in this class for those same features when they appear in claims 1-24, 33-37 and 62-67.

Regarding the claims of Group III, Class 381 is for ELECTRICAL AUDIO SIGNAL PROCESSING SYSTEMS AND DEVICES. The examiner must search various subclasses within

this class in order to examine the features of claims 38 and 39 when they appear in the claims of Group I. Consequently, it would not impose an undue additional burden upon the examiner to search for those same features in the context of claims 38 and 39.

Regarding the objection to claims 40-55, these claims are not multiple-dependency claims. The phrases "for use in apparatus according to claim #,..." merely identify the apparatus with which the claimed audio distribution unit is to interface. If the examiner wishes, the applicant is prepared to write the wording of the corresponding apparatus claim into each of claims 40-55, but it is submitted that there is no reason for examination to be withheld pending that being done.

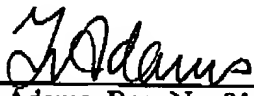
In view of the foregoing, the applicants respectfully request that the restriction requirement be withdrawn and all claims of record examined.

Respectfully submitted

Date: 29 September 2004

P.O. Box 11100, Station H
Ottawa, Ontario
Canada K2H 7T8
Tel: (613) 254 9111
Fax: (613) 254 9222

Docket No. AP628US
Customer No. 33361


Thomas Adams, Reg. No. 31078

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office facsimile number 703 872 9306 on the date shown below.

29th Sept. '04
Date


Thomas Adams